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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,679	01/24/2002	Frank J. Graczyk	47176-00687	9991

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JENKENS & GILCHRIST, P.C.
225 WEST WASHINGTON
SUITE 2600
CHICAGO, IL 60606

EXAMINER

LEE, BENNY T

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	3

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 12 month(s), 12/1 from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input checked="" type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-55 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-3, 6-8; 9, 10, 13; 14-16; 17-19, 22-24; 25-36; 37-50; 51-55 are rejected.
5. ☒ Claims 4, 5; 11, 12; 20, 21 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are: ☐ acceptable; ☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

SN 56679

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The disclosure is objected to because of the following informalities: Page 3, line 11, note that "vswr" should be rewritten as --VSWR--; line 17, note that "450" should be rewritten as --'450--. Page 6, note that a --Summary of the Invention-- should be provided as per PTO guidelines. Page 7, lines 5, 6 and page 10, lines 9-19, note that reference to "FIG. A" is inappropriate. Since "FIG. A" appears to be a drawing figure, then an appropriate figure number (e.g. -FIG. --9--) needs to be associated therewith. Page 8, lines 9, 11, note that "through" should be rewritten as --7B, 7C and-- (l. 9) and --8B, 8C and-- (l. 11), respectively; line 14, note that --OF THE INVENTION-- should follow "DESCRIPTION" for clarity. Page 10, last line, note that "attache the waveguide to" appears to be an incomplete recitation. Page 13, lines 5, 10, note that --(see FIG. 2A)-- should follow "70" and "72", respectively; line 15, note that --(see FIG. 2)-- should follow "71". Page 16, line 15, note that reference to "FIGS. 4 and 4A" is vague in meaning (i.e. there is no "FIG. 4A"); line 17, note that --(see FIG. 5A)-- should follow "58" for clarity. Page 17, line 4, note that --(see FIG. 5)-- should follow "71A" for clarity. Page 17, lines 7, 9 and page 18; line 13, note that "2-2A" should be rewritten as --2, 2A--. Page 17, line 13; Page 18, lines 3, 11, 12; page 19, line 7: note that "3-3A and 5-5A" should be rewritten as --3, 3A and 5, 5A-- at each occurrence. Page 17, lines 14, 15, note that "6A-8D" should be rewritten as --6A, 6B; 7A, 7B, 7C, 7D; 8A, 8B, 8C, 8D-- for clarity of description.

Appropriate correction is required.

The disclosure is objected to because of the following informalities: Note that the following reference labels need explicit description relative to the corresponding drawing figures:

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fig. 2A (38); fig. 3 (71); figs. 3, 3A (47, 73); figs. 5, 5A (24, 73a); fig. 5A (70a); fig. 6B (102, 104, 106).

Appropriate correction is required.

The drawings are objected to because of the following: In figs. 3a, 5a, 6a, 6b, 7a, 7b, 7c, 7d, 8a, 8b, 8c, 8d, note that the lower case alphanumeric designation should be changed to an upper case alphanumeric designation for consistency with the specification description; In fig. 8c, note that reference label --188-- needs to be provided. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claims 26-30, 33, 34, 37-50, 51-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 26, 27, 28, 29, 30, 33, 37, 39, 40, 41, 42, 43, 47, 51-54, note that use of the modifier "generally" render these claims vague and indefinite.

The following claims have been found objectionable for reasons set forth below:

In claims 27-31, 33, 37, 40-42, 44, 47, note that "formed" should be rewritten as --disposed-- at each occurrence.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-8; 9, 10, 13; 14-16; 17-19, 22-24; 25-27, 29-33, 35, 36; 37-40, 42-47, 49, 50; 51-53 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Floyd Jr (cited by applicants').

Floyd, Jr, in Figs. 5, 6 discloses a waveguide (23) attached to a waveguide flange (21) by means of a collar (30) functioning as a waveguide adapter with sides thereof interfacing with the waveguide (23) and a side of the flange (21).

In an alternative embodiment, Floyd, Jr discloses in Figs. 13, 14, a waveguide (50) and a flange (FM) are interconnected by a sleeve (55) functioning as a waveguide adaptor with a side thereof interfacing waveguide (50) at end (51) and with an opposite and thereof interfacing the flange (FM) at section (53).

Note from the embodiments of Figs. 5, 6 that the collar (30) is attached to the flange (21) via threaded fasteners (39), thereby function to clamp the collar to the flange. Moreover, note that the collar (30) includes a recess at the interface with the flange (21) for receipt of a gasket (29). Furthermore, note that the flange (21) includes a raised portion (27) interfacing with the collar. Additionally, note that threaded fasteners (40) function as clamping members to secure interfacing waveguide flanges into a waveguide assembly.

Note that in either embodiment (i.e. Figs. 5, 6 or Figs. 13, 14), the flange and the adaptor each has a rectangular cross-section passageway adapted for receiving the rectangular.

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With regard to the selectability of a standard waveguide flange from “library of flanges”, no patentable weight is given to such a method limitation. It should be noted that the end product results in a single standard flange, and as such has been met by the Floyd, Jr reference.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 28, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Floyd, Jr in view of Saad ('959), both cited by applicants'.

Floyd, Jr discloses the claimed invention except for the claimed limitation that the attached flange has a circular cross-section.

However, as taught by Saad, waveguide flanges of circular cross-section (as well as rectangular cross-section) are deemed conventional in the art.

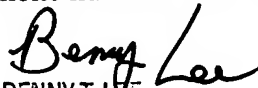
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Accordingly, it would have been obvious in view of the references, taken as a whole, to have modified the flange of rectangular cross-section to have been of circular cross-section as taught by Saad. Such a modification would have been considered an obvious substitution of art recognized equivalent flanges whose function is unaffected by the shape of the flange, thereby suggesting the obviousness of such a modification.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Donohue et al discloses an adaptor connecting a waveguide to a flange.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number 308-4902.


BENNY T. LEE

PRIMARY EXAMINER
ART UNIT 2817

Lee/ek

12/17/03